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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1814
WALLACH et al) Examiner: Bugaisky, G.
Serial No.: 07/625,668) Washington, D.C.
Filed: December 13, 1990) May 15, 1992
For: EXPRESSION OF THE) Docket No.: WALLACH=4
RECOMBINANT TUMOR NECROSIS)
FACTOR BINDING PROTEIN I)
(TBP-I))

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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S i r :

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:

Check one of the boxes A-D

[] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

B. before the mailing date of a first office action on the merits.

C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

Check one of the boxes "i" and "ii" below:

i. Counsel certifies that, upon information and belief, each item of information listed herein was either (a) cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS or (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

ii. Please charge the fee set forth in 1.17(p), presently believed to be \$200, to Deposit Account 02-4035.

D. after (A), (B) and (C) above, but before payment of the issue fee. Applicant petitions under 37 C.F.R. 1.97(d) for consideration of this IDS. Please charge the fee set forth in 1.17(i)(1), presently believed to be \$130, to Deposit Account 02-4035. Counsel certifies that, upon information and belief, each item of information listed herein was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three

months prior to the filing of this IDS or (ii) was not cited in a communication from a foreign patent office in a counterpart foreign application and was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each documents is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate.)

[] A. Documents _____ are deemed substantially cumulative to documents _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.

[] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

[insert serial numbers and filing dates of prior applications]

Applicants identify these documents by attaching hereto copies of the form PTO-892s and PTO-1449s from the files of the prior applications or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

[X] 3. Documents AE & AF are not in the English language. In accordance with 1.98(c), Applicants state:

[X] An English translation of each document AE & AF (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

[] A concise explanation of the relevance of documents _____ is found in the attached search report from the _____ Patent Office (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[X] A concise explanation of the relevance of documents AE & AF is set forth as follows:

Both of these publications are relevant in relating to DNA encoding TNF binding proteins. However, neither are available as references in view of their dates. Applicant is not aware of any U.S. applications corresponding to these European applications.

4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

5. Other information being provided for the examiner's consideration follows:

[insert other information]

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

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